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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Christine A. WHITE et al.
Application No.: 09/436,347



Filed: November 9, 1999

For: TREATMENT OF HEMATOLOGIC
MALIGNANCIES ASSOCIATED
WITH CIRCULATING TUMOR
CELLS USING CHIMERIC
ANTI-CD20 ANTIBODY

Group Art Unit: 1602

Examiner: A. Harris

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OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. §1.181(A) AND REQUEST FOR
WITHDRAWAL OF HOLDING OF ABANDONMENT-NO
ABANDONMENT IN FACT**

In accordance with MPEP §711.03(c), withdrawal of the Holding of Abandonment in the above captioned application is respectfully requested, there being no abandonment in fact. Specifically, the Notice of Abandonment issued on November 9, 2000 states that the application is held abandoned for failure to respond to the office letter mailed on February 29, 2000. However, a Reply to that communication and a Petition for a three month Extension of Time with the appropriate fee were timely filed on August 29, 2000. A copy of that reply (i.e., Amendment and Reply to Office Action) is enclosed as is a copy of post card receipt date stamped by the United States Patent and Trademark office acknowledging receipt of said reply and petition for extension of time on said date. This date stamped post card receipt, which itemizes and properly identifies the papers filed is *prima facia* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See MPEP §503.

Also, it is noted that the Notice of Abandonment was issued at a time when the undersigned applicants' representative was in the process of changing firms and therefore did not promptly receive the Notice of Abandonment at her new firm. It is hereby submitted that any delay in filing the present request was

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unintentional. Applicants representative diligently investigated the circumstances and gathered evidence relating to the Reply filed August 29, 2000 from the undersigned's previous firm. The present Petition is being filed promptly upon receipt by the undersigned of all the evidence necessary to show that the Amendment was timely filed. It is therefore respectfully requested that Applicants not be penalized should the Office find that any delay has occurred in filing the present Petition.

In light of the above, withdrawal of the holding of abandonment and prompt favorable action on the merits are respectfully requested.

The belief that no fee is required for consideration this paper. Should the office deem otherwise, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §1.21 that may be required by this paper, and to credit any overpayment, to deposit account 03-3975. This paper is submitted in duplicate.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: Robin L. Teskin
Robin L. Teskin
Registration No. 35, 030

1100 New York Avenue, N.W.
Ninth Floor, East Tower
Washington, D.C. 20005
(202) 861-3000

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Date: March 7, 2001

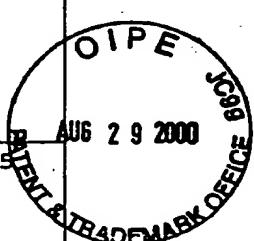
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Atty's. Dkt. No. 23522 J643
Applicant: Christine J. White et al.
Title: TREATMENT OF HEMATOLOGIC MALIGNANCIES
ASSOCIATED WITH CIRCULATING TUMOR CELLS USING
CHIMERIC ANTI-CD20 ANTIBODY

Decl. of Use	\$8	\$15
TM Renewal	Main. Fee	
Assignment	Small Entity Stat.	
Issue Fee	Discl. Statement	
Amendment	Check For	\$
New Appln.	Declaration	
Pages Spec.	Sht. Drwg.	Claims
Cert. Copy of		
<input checked="" type="checkbox"/> Response to OA with 3 mo. EOT and IDS		
Authorization to Charge Deposit Account - \$1,110.00		
for IDS and Extension of Time Fees		
Due:	08/29/00	Initial: BDW/kmh
VIA:	Courier <input checked="" type="checkbox"/> Mail <input type="checkbox"/>	Other: _____



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